

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL ACTION NO. 1:11-CV-266-MR-DCK**

JANICE S. SWINK,

Plaintiff,

v.

**MICHAEL J. ASTRUE,
Commissioner of Social Security,**

Defendant.

ORDER

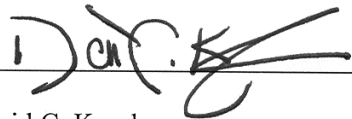
THIS MATTER IS BEFORE THE COURT on the “Consent Motion For Entry Of Order Accepting The Parties’ Settlement Agreement On Attorney’s Fees” (Document No. 15) filed July 16, 2012. This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the motion and the record, the undersigned will grant the motion.

IT IS THEREFORE ORDERED that the “Consent Motion For Entry Of Order Accepting The Parties’ Settlement Agreement On Attorney’s Fees” (Document No. 15) is **GRANTED**, to the extent that the Court will award attorney’s fees in the amount of \$4,800.00, and that pursuant to Comm’r of Soc. Sec. v. Ratliff, --- U.S. ---, 130 S.Ct. 2521 (2010), the fee award will first be subject to offset of any debt Plaintiff may owe to the United States. The Commissioner will determine within 30 days of this Order whether Plaintiff owes a debt to the United States. If so, the debt will be satisfied first, and if any funds remain, they will be made payable to Plaintiff and mailed to Plaintiff’s counsel. If the United States Department of the Treasury reports to the Commissioner that the Plaintiff does not owe a federal debt, the government will exercise its discretion and honor the Plaintiff’s October 12, 2011 assignment of EAJA fees, and pay the awarded fees directly to

Plaintiff's counsel. No additional petition pursuant to 28 U.S.C. § 2412(d) shall be filed.

SO ORDERED.

Signed: July 16, 2012

A handwritten signature in black ink, appearing to read "D.C. Keesler", is written over a horizontal line.

David C. Keesler
United States Magistrate Judge

